

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
March 23, 2021**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, March 23, 2021 virtually via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell – *arrived at 7:21 p.m.*
Whitney Oakley
Rich Pulliam
Denice Smith
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Public Relations Coordinator*
Sara Aragon, *Community Development Coordinator*
Steve Hebert, *Planning and Economic Development Manager*
Gabrielle Renner, *Town Traffic Engineer*
Dan Giroux, *Town Engineer*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Larry Gayeski

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve the agenda as presented. The voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus, Vittum

NO: None

EXCUSED: Harrell

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Smith, Sus, Vittum, Oakley

NO: None

EXCUSED Harrell

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Action: Approval of March 9, 2021 Regular Meeting Minutes.

Mayor Royce Pindell declared the motion carried by unanimous vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Action/Discussion

1. Business Appreciation Proclamation

Mayor, Royce D. Pindell, presented a Business Appreciation Proclamation, recognizing that local businesses are the backbone of the Town's economy. The Bennett Board of Trustees wishes to express appreciation for the commitment our business community provided to the Bennett community during the challenging COVID-19 pandemic and supporting the growth of local businesses produces economic stability in our community. Entrepreneurs and small businesses create jobs, innovate and promote the diversification of the local economy. The Town of Bennett Board of Trustees calls upon all citizens to thank our business community for its considerable and long-term contributions to the Town of Bennett. The Bennett Board of Trustees hereby declares the week of March 29 – April 2, 2021, "Bennett Stronger Together" week and urges the community to make a special effort to support our local businesses all year long.

2. First Amendment to Public Improvements Reimbursement Agreement (PIRA) with Gayeski Capital Equities, LLC

Melinda Culley, Town Attorney, reported to the Board of Trustees, on March 12, 2019, the Board approved a Public Improvements Reimbursement Agreement (PIRA) for the commercial parcels in the Bennett Crossing subdivision. Under the PIRA, the developer – Gayeski Capital Equities, LLC – is entitled to receive 50% of the Town's sales tax and lodging occupation tax revenues derived

from the commercial parcels in Bennett Crossing in order to reimburse the developer for its costs for constructing the public improvements for the development. The maximum reimbursement amount under the PIRA is \$6.27 million with a reimbursement term of up to 20 years.

Gayeski Capital Equities, LLC requested that the PIRA be amended to include the Jagee property. If this amendment is approved, the developer will receive 50% of the Town's sales tax and lodging occupation tax revenues derived from the Bennett Crossing Filing No. 4 property. QuikTrip has consented to the proposed amendment.

Staff supports the proposed amendment to the PIRA because it should accelerate the pay down of the maximum reimbursement amount under the PIRA. For this reason, staff recommends approving Ordinance No. 722-21 to approve a first amendment to the public improvements reimbursement agreement with Gayeski Capital Equities, LLC.

TRUSTEE SMITH MOVED, TRUSTEE VITTUM SECONDED, to approve Ordinance No. 722-21 – An Ordinance approving a First Amendment to Public Improvements Reimbursement Agreement with Gayeski Capital Equities, LLC. Voting was as follows:

YES:	Pulliam, Smith, Sus, Vittum, Oakley, Pindell
NO:	None
EXCUSED:	Harrell

Mayor Royce Pindell declared the motion passed by unanimous vote.

3. Special Events Liquor License

Christina Hart, Town Clerk, reported to the Board of Trustees the Town of Bennett and Bennett Arts Council host many special events throughout the year including Bennett Days, the Town's largest annual celebration. In the past, the Town has assisted with permitting and operated under the VFW's liquor license in order to have a beer garden and VIP tent at Bennett Days. However, in order to make event planning more efficient and to accommodate additional yearly events, the Clerk's Department began looking into the Town of Bennett obtaining its own liquor license.

Under Colorado's liquor licensing regulations, the Town of Bennett qualifies for a DR8439 Application for a Special Events Permit. This license would allow the Town to apply for up to 15 special events in a calendar year. Furthermore, the Board's approval of draft Resolution No. 865-21 would waive the requirement to submit the special events permit application to the State Liquor License Enforcement Division for approval. Section 6-2-40(c) of the Bennett Municipal Code gives authority to the Town Clerk to approve an application for a special events permit, thereby allowing the permits to be approved administratively.

The Town would be required to fulfill the following criteria and provide the following documents with the DR8439 application:

- Diagram of area to be licensed
- Application submitted to the Town Clerk at least 30 days prior to the event
- Public notice of the proposed event posted for at least (10) days before approval of the permit by the Town Clerk; no public hearing is required

If opposition to the special events permit were to arise, a public hearing would be scheduled and the application would be brought before the Board of Trustees acting as the Local Licensing Authority.

Upon the approval and issuance of a special events permit, the Town Clerk is required to report those findings to the State Liquor Enforcement Division within ten days. The notification will include the name of the organization, the address of the permitted location and the permitted dates of the special events permit.

All additional liquor license applications will continue to follow the liquor licensing process and will be presented to the Local Licensing Authority during a public hearing. New liquor licenses are required to be approved by the State Liquor Licensing Enforcement Division.

After thorough discussion with the Colorado Liquor Enforcement Division regarding the best option for the Town of Bennett to obtain a liquor license, Staff recommends the Local Licensing Authority approve Resolution No. 865-21 and authorize the Local Licensing Authority to issue a special events permits without approval from the State Licensing Authority.

Following approval of the draft resolution, all DR8439 applications submitted to the Town of Bennett will be approved administratively through the office of the Town Clerk. Regular updates pertaining to special events permits will be given to the Board of Trustees during the quarterly Clerk's Department Progress Report.

TRUSTEE VITNUM MOVED, TRUSTEE OAKLEY SECONDED, to approve Resolution No. 865-21 – A Resolution Authorizing the Local Licensing Authority to issue Special Events Permits without State Approval. Voting was as follows:

YES:	Smith, Sus, Vitnum, Oakley, Pindell, Pulliam
NO:	None
EXCUSED:	Harrell

Mayor Royce Pindell declared the motion passed by unanimous vote.

6. TOWN ADMINISTRATOR REPORT

Town Administrator

Trish Stiles, Town Administrator provided the following report;

- March 17, 2021 was the second COVID-19 vaccination clinic at the Bennett Community Center. The coordination of the event made it very successful.
- Staff is working towards finalizing a partnership with Lincoln County Health for additional COVID-19 vaccinations. COVID-19 testing will continue to be held at the Bennett Community Center on Tuesdays. 60 vaccinations will be available on March 30, 2021. April 13 and April 27, 2021 are the next scheduled vaccination clinics.
- Staff has applied for an equity clinic. If approved the next round of vaccinations is scheduled for April 8, 2021.
- Project season is here. RFP's will be available on the Town of Bennett website.
- Kick-off meeting for the Well 6 project begins on Monday, March 29, 2021.
- Discussions with CDOT continue with Marketplace Drive and Exit 304.
- The Retail Coach is visiting Bennett on March 30 and April 1, 2021.

- IREA (Intermountain Rural Electric Association) is attending the weekly DRC (Development Review Committee) meetings.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Whitney Oakley

Trustee Oakley reported on the following;

- Attended the Business Advisory Committee meeting.
- Attended the in-person I-70 Corridor Chamber of Commerce Lunch and Learn – 25 people were in attendance. The outgoing CEO and incoming CEO of IREA attended.

Larry Vittum

Trustee Vittum reported on the following;

- Attended DRCOG on March 17, 2021.

Royce Pindell

Mayor Pindell reported on the following;

- Extended condolences on behalf of the Trustees and Town Staff to the victims of the Boulder King Soopers tragedy.

Mayor Pindell called a recess at 7:44 p.m. The meeting resumed at 7:51 p.m.

8. EXECUTIVE SESSION

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Kiowa Creek Preserve – MacLennan Open Space.

TRUSTEE SUS MOVED, TRUSTEE PULLIAM SECONDED to go into executive session for: Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Kiowa Creek Preserve – MacLennan Open Space.

YES: Sus, Vittum, Harrell, Oakley, Pindell, Pulliam, Smith

NO: None

The Mayor declared the motion carried by unanimous vote.

The Board went into executive session at 7:50 p.m.

The Board came out of executive session at 8:44 p.m. The Mayor announced that the Board had been in executive session and the following persons participated virtually in that session: Mayor Royce Pindell, Trish Stiles, Trustee Oakley, Trustee Pulliam, Trustee Vittum, Melinda Culley, Trustee Sus, Trustee Smith, Mayor Pro Tem Harrell, Trustee Vittum Rachel Summers, and Christina Hart. The Mayor asked if there were any matters not included in the motion for an executive session or violations of the Open Meetings Law, and if so, that these concerns be stated for the record. No concerns were presented.

The Board of Trustees resumed the open meeting at 8:45 p.m.

10. Report from Executive Session

Town staff received direction from the Board of Trustees regarding possible negotiations of the acquisition of the Kiowa Creek Preserve – MacLennan open space property.


11. ADJOURNMENT

TRUSTEE VITTUM MOVED, TRUSTEE PULLIAM SECONDED to adjourn the meeting. The meeting was adjourned at 8:46 p.m. Voting was as follows:

YES: Vittum, Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

The Mayor declared the motion carried by unanimous vote.

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Royce D. Pindell, Mayor

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Christina Hart, Town Clerk